

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE

**CATHERINE SMITH**

**v.**

**SALLY BRITTINGHAM SMITH and JOHN MICHAEL CHARLES  
SMITH**

**Circuit Court for Davidson County  
No. 05D-2508**

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**No. M2006-01806-COA-R3-CV**

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**ORDER**

In accordance with our earlier order, we hereby withdraw the Opinion filed in this case on September 24, 2008, as it failed to address Appellee Sally Brittingham Smith's request for attorney's fees incurred on appeal. We will substitute that Opinion with a revised Opinion addressing the issue of appellate attorney's fees. **IT IS SO ORDERED.**

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**HOLLY M. KIRBY, JUDGE**

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**ALAN E. HIGHERS, P.J., W.S.**